

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q92080

Luc DE KEYSER

Appln. No.: 10/561,810

Group Art Unit: 1612

Confirmation No.: 2868

Examiner: Nannette Holloman

Filed: December 21, 2005

For: LIVESTOCK PRODUCTS WITH AN INCREASED PPAR/RXR HETERODIMER
ACTIVATOR LEVEL

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENTS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This responds to the Restriction and Election of Species Requirements set forth in the Office Action dated July 9, 2008, and is timely filed on August 11, 2008, since August 9, 2008 was a Saturday.

Restriction Requirement

In response to the Restriction Requirement, Applicant elects Group I, claims 1-16 for examination. This election is made with traverse, as follows. According to the Examiner, no special technical feature exists between the different groups since the use of chlorophyll added feed for freshwater fish is already known from Taketo et al. (Japanese Patent Abstract JP55061768). However, Applicant submits that non-ruminants cannot metabolize chlorophyll

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(in this regard, see the disclosure at page 10, lines 26-27 in the present specification). The present invention only covers the use of chlorophyll when feeding it to ruminant animals, as is already clear from claim 1 as presently on file, which recites: "*livestock animals (...) are made to ingest at least one product comprising said PPAR/RXR heterodimer activator and/or a precursor thereof which is metabolised by the livestock animals into said PPAR/RXR heterodimer activator*". Since non-ruminant animals cannot metabolize chlorophyll, the animal should therefore be a ruminant animal when using chlorophyll as precursor of the PPAR/RXR heterodimer activator. Accordingly, it is submitted that the present invention is patentable over Taketo et al, and that Taketo et al thus does not show that the inventions of Groups I-V fail to make a contribution over the prior art.

Election of Species Requirement

In response to the Election of Species Requirement, Applicant elects phytol, which is specifically recited in claim 5. Applicant submits that all the claims read on the elected species. Further, Applicant submits that if the elected species is found to be allowable, the Examiner should go on to examine non-elected species in accordance with MPEP 803.02. In addition, Applicant notes that the Examiner also refers to Taketo et al in connection with the Election of Species Requirement, and thus Applicant traverse the Election of Species Requirement based on the argument discussed above with respect to Taketo et al.

Applicant submits that if any of the elected claims is found to be allowable, claims dependent therefrom should similarly be considered allowable in the same application.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Bruce E. Kramer
Bruce E. Kramer
Registration No. 33,725

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

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